

REMARKS/ARGUMENTS

The claims are 2-11. Claim 1 has been canceled in favor of new claim 11 to improve its form and claims 2-7, and 9-10, which previously depended on claim 11 have been amended to depend on new claim 11 and to improve their form. Claim 8 has been amended to depend on claim 4 and to improve its form as well. Reconsideration is expressly requested.

Claims 1-10 were rejected under 35 U.S.C. §112, second paragraph as being indefinite for the reasons set forth on page 2 of the Office Action. In response, Applicants have canceled claim 1 in favor of new claim 11, and have amended claims 2-10 to improve their form. It is respectfully submitted that all currently pending claims fully comply with 35 U.S.C. §112, second paragraph, and Applicants respectfully request that the rejection on the basis of these formal grounds be withdrawn.

Claims 1-4, 6, 7 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over the *Franke* reference "A Revolution in Security Inspection Technology" in view of *Eiler* U.S. Patent No. 6,058,158. The remaining claims were rejected

under 35 U.S.C. § 103(a) as being unpatentable over *Franke* and *Eiler* and further in view of *Lücking et al.* U.S. Patent No. 5,617,964 (claim 5), *Takehara et al.* U.S. Patent No. 6,685,418 (claim 8), or *Tax et al.* U.S. Patent No. 5,775,866 (claim 9).

Essentially the Examiner's position was that *Franke* discloses the mobile platform recited in the claims except for specifying that the x-ray equipment includes a moving shielding, that *Eiler* shows this feature, and that it would have been obvious to one of ordinary skill in the art to provide the x-ray device of *Franke* with a shield that moves along the containers as the containers are x-rayed to prevent scattered x-rays as taught by *Eiler*.

Lücking et al. was cited with respect to claim 5 as showing hydraulic cylinders to lift and move containers. *Takehara et al.* was cited with respect to claim 8 as showing a sensor system for collision avoidance. *Tax et al.* was cited with respect to claim 9 as showing a conveyor along an upper crane platform.

This rejection is respectfully traversed.

As set forth in new claim 11, Applicants' invention provides an apparatus for contactless cargo load control and for transporting containers. The apparatus includes a mobile platform, a crane device disposed laterally to or on top of the mobile platform for transport of containers and for placing containers onto the mobile platform, a radiation scanning device disposed on the mobile platform for shielding containers placed on the mobile platform, a shield movable above and along the container placed on the mobile platform, and a traveling mechanism for moving the mobile platform. In this way, Applicants' invention provides an apparatus in which the platform moves independently of the portal crane, which permits a large number of containers to be loaded and unloaded quickly for scanning.

The primary reference to *Franke* fails to disclose or suggest an apparatus for contactless cargo load control and for transporting containers as recited in new claim 11 in which a platform is able to move independently of a crane device, and fails to give any solution describing radiation scanning of containers on such a platform in a manner other than when a container is caused to glide through a shaft disposed on the

platform, which has the disadvantages discussed, for example, at page 3 of Applicants' specification. *Franke* describes generally the possibilities of radiation scanning containers and deals with the interim storage of containers on a platform on the crane. *Franke* further explains in a text book sort of way the possibilities to radiation scan containers on this platform, or by means of a vehicle according to the device of the secondary reference to *Eiler*. It is respectfully submitted that there is no disclosure or suggestion of an apparatus for contactless cargo load control and for transporting containers as recited in new claim 11 that includes a radiation scanning device disposed on a mobile platform for scanning containers placed on a mobile platform, a shield movable above and along a container placed on the mobile platform, and a traveling mechanism for moving the mobile platform.

The defects and deficiencies of the primary reference to *Franke* are nowhere remedied by the secondary reference to *Eiler*. *Eiler* simply shows a vehicle that passes over a container. The disadvantage of *Eiler* is that quite large an apparatus has to travel from container to container, which requires considerable time.

Even if one were to combine *Eiler* and *Franke* as suggested by the Examiner, the combination would result only in a platform fastened to a gantry crane, wherein containers are passed through this platform or are moved by the container crane. As a result, those skilled in the art, even if they were inclined to make such a combination as suggested by the Examiner, would be encouraged to find another solution to this unsatisfactory situation which could lead only to a platform on a container crane in which a radiation scanning apparatus according to *Eiler* is traveling or to the containers be lowered through an x-ray shaft.

The remaining references cited against claims 5, 8 or 9 have been considered but are believed to be no more relevant. *Lücking et al.* cited with respect to claim 5 describes a spreader with an arrangement of hydraulic cylinders that are positioned in the corners of the spreader. There is no disclosure or suggestion of an apparatus for contactless cargo load control and for transporting containers including a platform that moves independent for the portal crane. In addition, it is respectfully submitted that nothing in *Lücking et al.* would disclose or suggest providing the pivoting frame of a crane apparatus, such as is described in Applicants' FIGS. 2 or 4, for

example, with hydraulic cylinders as recited in claim 5 that are interposed between the linkage point 21 and the pivoting crane 19.

Takehara et al. cited with respect to claim 8 shows a platform for the interim storage of containers, the vertical transport occurring by means of a pivot arm. There is no disclosure or suggestion of an apparatus for contactless cargo load control and for transporting containers in which a platform moves independently of the portal crane, and in which a radiation scanning device is interposed on the mobile platform for scanning containers placed on the mobile platform.

Tax et al. cited with respect to claim 9, like *Eiler* and *Franke*, describes a platform on the container crane on which the containers are transported and picked-up. Another platform which is located outside the crane serves to continue the pick-up procedure on different levels outside of the gantry crane. There is no disclosure or suggestion of Applicants' apparatus as recited in new claim 11. Moreover, it is respectfully submitted that even if *Tax et al.* were combined with the other references cited by the Examiner, one would still not be taught to dispose a

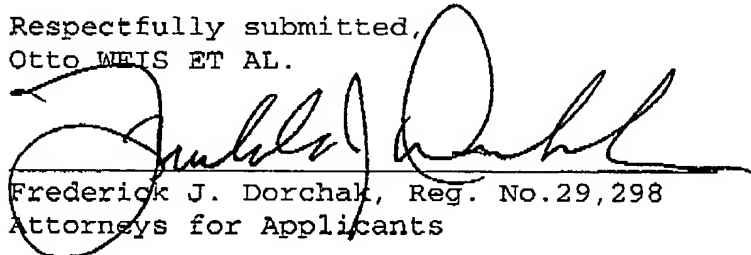
conveyer belt for horizontal container transport on the mobile platform as recited in Applicants' claim 9 as amended.

Accordingly, it is respectfully submitted that new claim 11 together with claims 2-10 which depend directly or indirectly thereon are patentable over the cited references.

In summary, claims 2-10 have been amended, claim 1 has been canceled, and new claim 11 has been added. In view of the foregoing, it is respectfully requested that the claims be allowed and that this case be passed to issue.

Respectfully submitted,
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